

Exhibit 5

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Robert Vaccari on 11/14/2024

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 JONATHAN WAYNE BOTTEN, SR.; TANJA)
DUDEK-BOTTEN; ANNABELLE BOTTEN; and)
5 J.B., a minor by and through his)
guardian JONATHAN WAYNE BOTTEN, SR.,)

6)

7 Plaintiffs,)

8)

9 vs.) Case No.

10) 5:23-CV-00257-JGB-SHK

11 STATE OF CALIFORNIA; COUNTY OF SAN)

12 BERNARDINO; ISAIAH KEE; MICHAEL)

13 BLACKWOOD; BERNARDO RUBALCAVA; ROBERT)

14 VACCARI; JAKE ADAMS; and DOES 1-10,)

15 inclusive,)

16)

17 Defendants.)

18)

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21

22 REMOTE VIDEOCONFERENCE DEPOSITION OF

23 ROBERT VACCARI

24 THURSDAY, NOVEMBER 14, 2024

25

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27

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29 Reported Stenographically By:

30 Jinna Grace Kim, CSR No. 14151

31 Job No.: 112656

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Robert Vaccari on 11/14/2024

Page 34

1 So southbound lane.

2 Q. Okay. And when Mr. Puga got out of the vehicle, did
3 you still think that he possibly had a firearm on his
4 person?

5 A. We were going to treat him as though he had a
6 firearm until we knew he didn't.

7 Q. Did you ever see him put his hands up when he was on
8 the driver's side of the vehicle?

9 A. I believe he did.

10 Q. Was he given commands at any time to put his hands
11 up?

12 A. I can't recall if he did it voluntarily or if he was
13 given some type of commands by the CHP to put his hands up.

14 Q. At some point did you hear an exchange between
15 Mr. Puga and the CHP sergeant where Mr. Puga was concerned
16 that he was going to be shot?

17 A. Yes.

18 Q. And did you hear the CHP sergeant assure him words
19 to the effect that he wasn't going to be shot?

20 A. Something to that effect, but it was also based on
21 Mr. Puga's compliance.

22 Q. And at some point after Mr. Puga expressed a concern
23 for being shot, do you recall him going to the front of the
24 vehicle?

25 A. In regards to him saying he had concerns for being

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Robert Vaccari on 11/14/2024

Page 35

1 shot, I believe he said it when he was standing outside of
2 the driver's side door. I don't know if there was additional
3 statements made by him when he got to the front of the
4 vehicle.

5 Q. Okay. Do you remember something about him saying
6 that he thought he heard a click or something like that?

7 A. I do remember him saying that.

8 Q. Okay. In any event at some point, you recall him
9 going to the front of the vehicle?

10 A. Yes.

11 Q. And when he went to the front of the vehicle, do you
12 recall if the driver's door of the vehicle was open or
13 closed?

14 A. Closed.

15 Q. Do you recall if the passenger door on the vehicle
16 was open or closed?

17 A. I only have recollection of that based on my review
18 of the video.

19 Q. And what did the video indicate in that regard?

20 A. That at some point while we were dealing with
21 Mr. Puga alone in the car, he opened the passenger door of
22 the vehicle.

23 Q. Do you know if that door could have remained open
24 when the female got out?

25 A. It was closed.

JONATHAN WAYNE BOTTEN, SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Robert Vaccari on 11/14/2024

Page 68

1 CERTIFICATE

2 OF

3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified
6 Stenographic Shorthand Reporter of the State of California,
7 do hereby certify:

8 That the foregoing proceedings were taken before me
9 at the time and place herein set forth;

10 That any witnesses in the foregoing proceedings,
11 prior to testifying, were placed under oath;

12 That a verbatim record of the proceedings was made
13 by me, using machine shorthand, which was thereafter
14 transcribed under my direction;

15 Further, that the foregoing is an accurate
16 transcription thereof.


17 I further certify that I am neither financially
18 interested in the action, nor a relative or employee of any
19 attorney of any of the parties.

20

21 IN WITNESS WHEREOF, I have subscribed my name, this
22 date: November 14, 2024.

23

24



Jinna Grace Kim, CSR No. 14151

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